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C O N F I D E N T I A L SECTION 01 OF 02 TBILISI 002019

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [GG](#)
SUBJECT: DAS BRYZA MEETING WITH PROSECUTOR GENERAL
ADEISHVILI

REF: A. TBILISI 1622

- [1](#)B. TBILISI 932
- [1](#)C. TBILISI 1792
- [1](#)D. TBILISI 1242
- [1](#)E. TBILISI 1604

Classified By: Charge d'Affaires Mark X. Perry, for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: On July 27, DAS Bryza and GoG Prosecutor General Adeishvili discussed judicial reform, Abkhazia, property issues and crime. Adeishvili talked about the training of judges and implementation of the magistrate system, both of which are on track. He cited great strides in the last year to clear a backlog of cases in pre-trial detentions. On Abkhazia, Adeishvili stated that the Abkhaz police did not show any interest in working with Georgian law enforcement in the Gali region to reduce crime. On property rights, Adeishvili said that his organization stands ready to assist Greek property owners in Tsalka with their property claims. With regards to the Batiashvili and Topuria cases, Adeishvili stated that the government of Georgia is within its rights to try the cases. In both instances, there were links to organized crime. Adeishvili said his organization's primary focus of combating organized crime has now evolved to fighting drug trafficking. DAS Bryza praised the successes of the Prosecutor General's (PG) office in the last months: passage of the ex parte communications ban, achieving Tier One on the Trafficking in Persons Report, and hard work on the Criminal Procedure Code (CPC), which is anticipated to pass in Parliament in the fall. Bryza called for sustained progress in these areas, and assurance of due process in criminal cases. End Summary.

Training for Judges

[1](#)2. (C) Adeishvili told Bryza and Charge that beginning in September new judges will be trained at the High School of Justice (HSOJ) in line with Georgia's commitment to judicial reform, but some judges may be appointed to fill vacancies before then as they cannot wait 14 months (the time period of the curriculum) for the judges to be ready to assume their duties. He noted progress in resolving corruption cases against judges: of the previous 15 corruption cases against judges, only two are still ongoing. Adeishvili expressed appreciation for the training that DOJ and USAID are providing and anticipated that even more will be needed in the future to get the magistrate system fully up and running. He noted his appreciation for the training that Judge John Walker provided during his recent trip to Georgia. (Reftels A,B,C.)

[1](#)3. (C) Adeishvili noted that the PG's office has made great strides in the last year to reform the judicial system and clear a backlog of cases in pre-trial detentions. In 2005,

70 per cent of those waiting for trial were in pre-trial detention, whereas in 2006 only 25 per cent were in pre-trial detention due to the use of bail. He noted of the 18,000 prisoners incarcerated, 1,000 of these are in pre-trial detention, 3,000 have been tried and are awaiting sentencing, and the remainder have already been sentenced.

Batiashvili and Topuria Cases

¶4. (C) DAS Bryza pressed for due process in the Batiashvili and Topuria cases which have drawn international attention for alleged procedural violations. (Reftel D.) With regard to the Topuria case, Adeishvili said the defendants' ties to organized crime necessitated the arrests and the decision to close the trial to the public. Bryza raised the concern that although the GoG may have grounds to close the trial, this decision contributed to a perception in the international community that the cases were not transparent--something at odds with Georgian goals of joining the wider European community. Adeishvili said that there was ample evidence with regard to the Batiashvili case to secure a conviction. Adeishvili noted that due process would be carried out in these and all cases.

Abkhazia Investigation and Cooperation

¶5. (C) DAS Bryza told Adeishvili that Georgia fared well during the recent Group of Friends meeting in Bonn. (Reftel E.) The Western Friends reiterated strong support for Georgia's territorial integrity and for the Georgian Government's right and obligation to administer to the needs

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of its citizens in the Upper Kodori Valley. It was a significant that the Joint Fact Finding Group report condemned the March 11 attack in the Upper Kodori Gorge and noted the use of helicopters in the attack. Bryza called for decreased tension and renewed Georgian-Abkhaz police cooperation in the Gali district. Adeishvili was not hopeful, noting a high level of criminality on both sides of the Enguri and lack of Abkhaz interest in closer law enforcement ties. Adeishvili said the incidence of Abkhaz kidnapping of ethnic Georgians is three times higher than last year.

Property Issues

¶6. (C) DAS Bryza raised the issue of Greek property rights and recuperation of property in the Tsalka region, southwest of Tbilisi. Adeishvili relayed that the GoG has been active in working with the Georgian Diaspora in Greece to reclaim their property. The GoG committed to resolving the issue. Adeishvili said representatives from the EU and Greece have come to Georgia in connection with return of Greek properties.

¶7. (C) Bryza asked about reports of property confiscation in Tbilisi. Adeishvili said his office no longer has any authority to look into repatriation of property that has been privatized. (COMMENT: In June 2007 a law was passed which made irreversible all property privatized before 1 April 2007. END COMMENT.) Adeishvili said his office has worked to return over one billion USD worth of property to its rightful owners since the current administration took office. Adeishvili pointed out that the opposition raised this issue often, but added that many members of the opposition were guilty themselves of having taken over property as caretakers, and then went to court and became owners of the property without having paid any money for the property.

18. (C) Adeishvili said his office is making a major goal of lowering the homicide rate. While crime rates overall have systematically fallen by 40 percent, he said homicide continues to be a problem for Georgia. In comparison to Armenia (60-70 cases) and Azerbaijan (130 cases), Georgia's number of homicide cases is significantly higher (300 cases) per year. Many murders appear to be related to drug trafficking. He related that Georgia has a good grip on organized crime, and now needs to focus on drug use, a big social problem, and its associated crimes. Adeishvili estimated that there are over 150,000 addicts in Georgia, although there are no official figures. He relayed that when the PG's office implemented drug testing two years ago, 13 percent of the personnel were deemed to be drug dependent. Adeishvili told Bryza about a recently publicized case of U.S.-Georgian cooperation in cracking a drug ring that originated in Colombia. Several suspects were arrested in Odessa in connection with the confiscation of 250 kilograms of cocaine. Adeishvili said he believed the drug ring had its nexus in Russia. He praised FBI-Georgian law enforcement cooperation in making the Odessa arrest and is working to pinpoint the Georgian network affiliated with this ring.

19. (U) DAS Bryza has approved this cable.

PERRY